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REMARKS

Claims 1-6, 8-13, 15-17 and 19-31 are pending in the present application. In the Final Office Action mailed April 6, 2006, the Examiner rejected claims 17 and 19-23 under 35 U.S.C. §101 as being directed to a data signal. The Examiner next rejected claims 17, 19, 21-23 and 31 under 35 U.S.C. §102(e) as being anticipated by Moeller et al (USP 6,694,384). Claims 20 and 24-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Moeller in view of Applicants Admitted Prior Art.

Applicant appreciates the allowability of claims 1-6, 8-13, 15, 16 and 30. This amendment is intended to place the application in condition for allowance.

The Examiner rejected claims 17 and 19-23 under 35 U.S.C. §101 stating that "the claim subject matter is directed to a data signal representing a sequence of instructions originating from a computer program executed by a computer." *Office Action, April 6, 2006, p. 2.* While Applicant disagrees that the claim is non-statutory, Applicant has amended claim 17, and the claims dependent therefrom (19-23 and 31), to identify that which was being called for in the elements therein. As amended, claim 17 calls for a computer data signal process embodied in a carrier wave and representing a sequence of instructions originating from a computer program executed by a computer which, when executed by at least one processor, causes the at least one processor to display a GUI configured to facilitate a request over a first communication interface to enable an inactive option resident on a remote device, receive an input of a device identifier, receive a selection of a usage period, receive a selection of an inactive option for enablement from the GUI, cause a remote centralized processing station to generate a code configured to enable the selected inactive option after successful processing of the received inputs and selections, and transmit the code to the device having the inactive option over a second communication interface different from the first communication interface. As amended, Applicant's claim 17 calls for a statutory process that is directed to a practical application of a data signal.

Computer-implemented processes are statutory so long as they are directed to a practical application within the technological arts. *See MPEP § 2106; see also Diamond v. Diehr, 450 U.S. 175, 183-184 (1981).* A claim is limited to a practical application when the process, as claimed, produces a concrete, tangible and useful result; i.e., the process recites a step or act of producing something that is concrete, tangible and useful. *MPEP § 2106; see AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 1358 (Fed. Cir. 1999).* Applicant's independent claim 17 recites the practical application of a computer data signal process embodied in a carrier wave that causes a processor to perform a series of process steps. The process acts carried out by the processor are a practical application of the computer

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data signal process, in that they cause the processor to: display a GUI, cause a remote processing station to generate a code, and transmit the code to a device having an inactive option. The results of the process therefore result in a concrete, tangible and useful application. In light of the foregoing, Applicant believes that claim 17 as amended, and the claims dependent therefrom, are directed to statutory subject matter. As such, Applicant requests withdrawal of the Examiner's rejection under §101.

The Examiner also sustained the rejection to claims 17, 19, 21-23 and 31 under 35 U.S.C. §102(e) as being anticipated by Moeller et al. (USP 6,694,384). In sustaining the §102(e) rejection,, the Examiner stated that "Moeller teaches displaying a GUI (i.e., selection from a menu) configured to facilitate a request over a first communication interface to enable an inactive option resident on a remote device... and transmitting the code to the device having the inactive option over a second communication interface different from the first communication interface." *Office Action, supra at 6.* The Examiner reached this conclusion notwithstanding that Moeller et al. fails to teach or suggest the use of a first communication interface to enable an inactive option resident on a remote device that is different from a second communication interface for transmitting the code to the device. Applicant seeks reconsideration.

Moeller et al. discloses a system whereby a user accesses a list of available features through an interface on the office device to be reconfigured. Once the desired features are selected, payment is secured over the Internet or other secure means. The user then receives an access key or code to input into the scanner. In an alternate embodiment, Moeller discloses that the access key can be sent to the office device directly. *See Col. 4, ll. 46-50.* In another embodiment, Moeller et al. also discloses that, in response to a telephonic request, "the scanner company gives the user an access code ... which will allow the scanner to configure itself...The customer inputs the access code into the scanner..." *Id.* In this embodiment, both the request and the access key are transmitted in a common communications interface – namely, a telephone call. However, contrary to the conclusions reached by the Examiner, in none of the embodiments set forth above is the feature enablement request made over a first communication interface and access key or code transmission over a second communications interface that is different from the first communications interface. In the system of Moeller et al., both the request and the key transmission are made over only one of either the internet, telephone, or other secure means. Claim 17 specifically calls for an enablement request to be made over a first communication and for transmission of a code over a second communication interface different from the first communication interface. Therefore, Moeller et al. cannot anticipate that which is called for in claim 17. As such, claim 17 and the claims that depend therefrom are patentably distinct over the art of record.

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The Examiner also sustained the rejection to claims 20 and 24-29 under 35 U.S.C. §103(a) as being unpatentable over Moeller in view of Applicants Admitted Prior Art. The combination of references, however, fails to teach or suggest that called for in claims 20 and 24-29. As set forth above, in the several embodiments of the system disclosed by Moeller et al., a feature enablement request and the key transmission are made over the same connection – either internet or telephone. Claim 24 calls for, in part, a request to activate an inactive software program made over a public communication connection and an activation of an inactive software program over a private communication connection. As the request and activation performed in claim 24 are made over public and private communication connections respectively, they necessarily are made over two separate connections. Such is not the case in Moeller et al., which clearly fails to teach or suggest communicating a feature request over a public communication connection and communicating a software key over a private communication connection. Accordingly, that which is set forth in claim 24, and the claims dependent therefrom, is neither disclosed nor suggested by Moeller et al. and thus, the Examiner's position is not supported by the disclosure of the cited reference.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-6, 8-13, 15-17 and 19-31.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

                                        Respectfully submitted,

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